

Introduced by Senator YeeFebruary 23, 2009

An act to add Sections 71052, 89049, and 92034 to the Education Code, and to amend Section 6252 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 218, as introduced, Yee. Public records: state agency: nonprofit entity.

The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless they are exempt from disclosure. The act defines the term "state agency" for purposes of the act.

This bill would revise the definition of the term "state agency" to additionally include any entity, including, but not limited to, a nonprofit corporation, that receives public funds or performs a governmental function on behalf of the California Community Colleges, the California State University, or the University of California.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 71052 is added to the Education Code,
- 2 to read:
- 3 71052. Chapter 3.5 (commencing with Section 6250) of
- 4 Division 7 of Title 1 of the Government Code applies to any entity,
- 5 including, but not limited to, a nonprofit corporation, that receives

1 public funds or performs a governmental function on behalf of the
2 California Community Colleges.

3 SEC. 2. Section 89049 is added to the Education Code, to read:

4 89049. Chapter 3.5 (commencing with Section 6250) of
5 Division 7 of Title 1 of the Government Code applies to any entity,
6 including, but not limited to, a nonprofit corporation, that receives
7 public funds or performs a governmental function on behalf of the
8 California State University.

9 SEC. 3. Section 92034 is added to the Education Code, to read:

10 92034. Chapter 3.5 (commencing with Section 6250) of
11 Division 7 of Title 1 of the Government Code applies to any entity,
12 including, but not limited to, a nonprofit corporation, that receives
13 public funds or performs a governmental function on behalf of the
14 University of California.

15 SEC. 4. Section 6252 of the Government Code is amended to
16 read:

17 6252. As used in this chapter:

18 (a) “Local agency” includes a county; city, whether general law
19 or chartered; city and county; school district; municipal
20 corporation; district; political subdivision; or any board,
21 commission or agency thereof; other local public agency; or entities
22 that are legislative bodies of a local agency pursuant to subdivisions
23 (c) and (d) of Section 54952.

24 (b) “Member of the public” means any person, except a member,
25 agent, officer, or employee of a federal, state, or local agency
26 acting within the scope of his or her membership, agency, office,
27 or employment.

28 (c) “Person” includes any natural person, corporation,
29 partnership, limited liability company, firm, or association.

30 (d) “Public agency” means any state or local agency.

31 (e) “Public records” includes any writing containing information
32 relating to the conduct of the public’s business prepared, owned,
33 used, or retained by any state or local agency regardless of physical
34 form or characteristics. “Public records” in the custody of, or
35 maintained by, the Governor’s office means any writing prepared
36 on or after January 6, 1975.

37 (f) “State agency” means every state office, officer, department,
38 division, bureau, board, and commission or other state body or
39 agency, *or an entity subject to Section 71052, 89049, or 92034 of*
40 *the Education Code*, except those agencies provided for in Article

1 IV (except Section 20 thereof) or Article VI of the California
2 Constitution.

3 (g) “Writing” means any handwriting, typewriting, printing,
4 photostating, photographing, photocopying, transmitting by
5 electronic mail or facsimile, and every other means of recording
6 upon any tangible thing any form of communication or
7 representation, including letters, words, pictures, sounds, or
8 symbols, or combinations thereof, and any record thereby created,
9 regardless of the manner in which the record has been stored.

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